

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**THOMAS A. WELLS,  
SHARI L. HALL,  
AMANDA F. HALL, and ADAM S.  
MULVANEY, MYCA L. WHEATLEY,  
and JAROD S. PARKER,**

**Plaintiffs,**

**v.**

**DAVID C. DAVIS, ROGER EHLEER,  
LARRY L. FOX, MICHAEL E. HUBBARD,  
FOX, and UNKNOWN FEDERAL and  
STATE AGENTS,**

**Defendants.**

**No. 05-CV-0811-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Now before the Court is Plaintiffs' September 22, 2009 motion for summary judgment as to affirmative defenses (Doc. 97). Here, the dispositive motion deadline expired on March 2, 2009 (Doc. 80). Plaintiffs filed this motion six months past the deadline. This case is set for trial on November 2, 2009. Clearly, this motion is untimely. Thus, the Court **DENIES** the motion.

**IT IS SO ORDERED.**

Signed this 15th day of October, 2009.

/s/ David R. Herndon

**Chief Judge  
United States District Court**